BOARD OF SELECTMEN MEETING MINUTES 3/9/10

49h - 49ml

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 7:04 P.M. with the Pledge of Allegiance

PUBLIC DISCUSSION

ANNOUNCEMENTS

- Caucus, Monday, March 15, 2010 @ 8:00 PM, Turkey Hill Middle School Cafeteria (snow date 3/22/10).
- > Also, the PTO is announcing the Family Barn Dance scheduled for Friday, March 26, 2010 @ the High School.
- Kerry forwarded the report submitted by the DPW Facilities Committee and informed the board that they will be attending next weeks meeting. She also has a spec book that was drafted by the committee and this is available in her office for the board to review.

APPOINTMENTS

1. 7:15 PM – Public Hearing – General on Premise Liquor License Application, 5Summer Street, Unit #10, Kyle Blood, d/b/a Hellfire Inc. – Chair opened the public hearing as follows: The Licensing Authority will hold a Public Hearing on March 9, 2010 at 7:15 PM in the Joseph F. Bilotta Meeting Room, 2nd floor Town Hall on the application for a General on Premise License. This application is being submitted by Kyle Blood, d/b/a Hellfire, Inc., and said license is to be exercised at 7 Summer Street, Unit 10, Lunenburg, MA 01462. Tom Alonzo, Chairman, Board of Selectmen Licensing Authority.

Attorney Patrick Bunnell was present, representing Hellfire Inc., and its principles Kyle Blood and Brent Schrawder. The establishment is located in the previously After Hours located in the strip mall on Summer Street owned by John Donnelly. Applicants have a great deal of experience in this industry and have very proactive interests, fresh, new ideas and anticipate using the newest technology available and incorporate this into the new bar. The bar area will have TV screens that will have interactive simulcast from bar to bar, which would allow communication between a number of establishments. The background of the bar wall can also be changed based upon season, sports etc. This will be a Boston style bar in Lunenburg which will have visual imagery throughout the establishment.

Informed the board that Kyle has been a long term resident of Lunenburg, former corrections officer from 1998 to 2008 and was the prior manager of Mickey Shea's. Brent is the current manager of the Leominster Lodge of Elks and is extremely responsible and has been running an establishment. Also, noted that both individuals are TIPS certified and can provide copies of certifications if necessary. They have a 5 year lease with John Donnelly which is contingent upon them being granted a license. Presented floor plan and schematic of the mall area, a sample menu which will be more contemporary style menu than what you see in other establishments. Provided two letters of recommendation, one from Steve Powell and the other from Richard Bursch.

Noted that Mr. Herrick had been informed in January that Kyle would be divesting himself from Mickey Shea's and was informed that this has been taken care of.

Members of the board questioned whether we have received a recommendation from the police and whether we've been notified that establishment is up to code, has applicant gone to the Board of Health as a full liquor license also requires a food service permit. Steve also questioned their hours of operation and board would like to be sure that this establishment is consistent with others. Per Att. Brunnell, the hours proposed are Mon-Wed, 3:00 pm to 1:00 am, Thurs, 3:00 pm to 2:00 am, Fri-Sat, 12:00 noon to 2:00 am and Sunday, 12:00 noon to 1:00 am, the kitchen will remain opened until 9:00 pm on all days. Dave noted sensitivity as this is located next door to a dance school.

Property owner, John Donnelly came before the board and informed them that he is very excited about this venture and the changes that are proposed for lower Summer Street. Lyndon Byers also spoke in favor of this club as he is the present owner of the establishment which is being opened in Framingham, much the same as is being proposed for Lunenburg. Also discussed the new technology, World Viewer.com has taken myspace, facebook and twitter and put it all together in real time, which if free and can be used anytime, this is something that would make our places unique. Continued until March 16, 2010 @ 8:15 pm.

CURRENT BUSINESS

1. Minutes - Board of Selectmen regular sessions for 2/2/10, 2/25/10 and 3/2/10 and Executive Session for 2/2/10 reviewed and signed.

Warrants - #49 10, 3/9/10 - \$530,156.45 and #50 10, 3/9/10 - \$34,674.89 reviewed and signed.

Action File Issues - Steve questioned coordination of the annual yard waste days with the contractor at Tri-town, to be checked into.

- 2. Special / Annual Town Meeting Articles Attached, Chair noted that the warrant closes this Friday, @ 12:30 pm.
- 3. Pay as you Throw (PAYT) Program tabled
- 4. Board of Selectmen March Meeting Schedule Board of Selectmen will be meeting on the 30th instead of the 23rd.

OLD BUSINESS

- 1. Committee Updates -
- Paula informed the board that the Planning Board discussed the issue of growth and the impact that we will see moving forward with departmental charges etc. The Master Plan addresses these needs and is currently in draft form and should be available for departments to review very shortly. Chair noted that the latest "snapshot" of the Master Plan should be made available on the towns' website.
- Chair acknowledged the award (School Superintendent's) given to Milree Keeling at the recent School Committee meeting also recognized Milree for all her years of service on the School Committee, Regionalization Study Committee as well as the Charter Review Committee. Also, recognized that Ms. Cindy Daukantas, Principle of the Primary School will be retiring this June after more than 40 years of service. Also noted that this past weekend, Ayer and Shirley both voted affirmatively to regionalize their school districts.
- 2. Recognition National Boys & Girls Club Week Michelle Belleza, Director of the Chester Mossman Teen Center was present and informed the board that the Teen Center has adopted a number of programs of the Boys & Girls Clubs and that this year has been one of the most successful years for student participation at the center. She is therefore asking the Board of Selectmen to proclaim the week of March 21st March 27th as Boys & Girls Club week in the Town of Lunenburg. Chair expressed appreciation to Michelle and noted how the programs have grown over the years. Board voted unanimously to approve the proclamation.
- 3. Liquor License Regulations Kerry informed the board that we did contact ABCC to look at our pre-application process that our town counsel was suggesting that we don't do and the ABCC counsel has referred us back to our town counsel. Having our own pre application process may not be an appropriate thing to do. Paula thought our specific question was do we have to accept applications at any time? Per Chair his understanding is that this is a town decision and the ABCC is not going to make a ruling on this, the question really is, do you have to accept an application whether or not one is available. He will re-write the regulations and would like to only change section 1.21 Application and Fees and eliminate "B" in its entirety, doesn't want to have any informational meeting. He would modify "A" and re-letter the document so that if a license becomes available that has not been previously available the board will advertise and applicants will have the opportunity after 30 days to submit an application. This way all will have the same opportunity. This would only apply to those categories where there is currently no license available. Kerry suggested that as this would be a new regulation of the board, that the advertisement lists all applications that are currently available and then going forward, we would only advertise when a non available license becomes available. Chair will re-write the document and bring back to the board for a formal vote. Won't accept an application for that particular license until the 30 days is up and then we'll accept license applications.

APPOINTMENTS/REAPPOINTMENTS

EXECUTIVE SESSION

1. Contract Negotiations

Being no further business board voted unanimously to adjourn Regular Session at 9:05 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant Board of Selectmen

SPECIAL TOWN MEETING WARRANT

ARTICLE A To see if the Town will vote to appropriate from available funds all sums of money necessary to amend the amounts voted for the Town's FY'10 Budget, under Article 6 of the May 2, 2009 Annual Town Meeting Warrant and Article 4 of the December 1, 2009 Special Town Meeting Warrant; or take any other action relative thereto. Submitted by Town Manager.

ARTICLE B To see if the Town will vote to appropriate from available funds a sum of money from the Stabilization Fund; or take any other action relative thereto. Submitted by Town Manager.

ANNUAL TOWN MEETING WARRANT

- ARTICLE A To see if the Town will vote to hear and/or accept the regular written reports of the Town Officers and Committees; or take any other action relative thereto. Submitted by Board of Selectmen.
- ARTICLE B To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund Town Hall renovations; or take any other action relative thereto. Submitted by Town Manager.
- ARTICLE C To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the DPW Renovations and to fund this appropriation by authorizing the Treasurer with the approval of the Board of Selectmen to borrow said amount and to issue bonds and notes therefore in accordance with MGL Chapter 44, or any other enabling authority contingent upon the passage of a debt exclusion override of Proposition 2 ½ by the voters of the Town of Lunenburg; or take any other action relative thereto. Submitted by Town Manager.
- ARTICLE D. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY11 Public Employees Local Union 39 of the Laborer's International Union of North America, AFL-CIO, (Middle Managers) July 1, 2010 June 30, 2013; or take any other action relative thereto. Submitted by Town Manager.
- ARTICLE E To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY11 Police Officers Collective Bargaining Agreement dated July 1, 2010 June 30, 20113 with IBPO Local 353, AFL-CIO; or take any other action relative thereto. *submitted by Town Manager.*
- ARTICLE F To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY11 Teamsters Local #170, Worcester, MA, Public Safety Telecommunication Unit, July 1, 2010 June 30, 2013, or take any other action relative thereto. Submitted by Town Manager.
- ARTICLE G To see if the Town will vote to raise and appropriate or transfer from available funds all sums of money necessary to defray the charges and expenses of the Town for Fiscal Year 2011 and to fix the salaries and compensation of all elected officials of the Town and any other items included in the budget of the Finance Committee, or take any other action relative thereto. Submitted by Town Manager.
- ARTICLE H To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow the sum of \$317,785.00 for the FY11 Yearly Capital Plan (as appearing in the Capital Planning Financial Report) or take any other action relative thereto. *submitted by Capital Planning Committee.*

ARTICLE I To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Department Enterprise Fund; or take any other action relative thereto. Submitted by the Board of Selectmen.

ARTICLE J To see if the Town will vote to raise and appropriate or transfer from available funds \$_____ to operate the Solid Waste / Recycling Disposal Program Enterprise Fund; or take any other action relative thereto. Submitted by the Board of Selectmen.

ARTICLE K To see if the Town will vote to transfer the care, custody and control of an approximately square feet portion of Meadow Lane, a public way, from the Board of Selectmen for public way purposes to the Board of Selectmen for public way purposes and for the joint purpose of granting a non-exclusive construction grading easement, and to authorize the Selectmen to convey said easement to the owners of property located at 29 Meadow Lane and identified on Assessor's Map 070 as Lot 044, for the purpose of constructing, maintaining and repairing the breakout portion of the septic system located on said property, on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate; or take any other action relative thereto. Submitted by the Board of Selectmen.

ARTICLE **CC#1** To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½ the Ambulance Billing revolving. The purpose of this fund will be to cover the cost associated with compensating third party advanced life support companies and third party billing companies that contract and supply services to the town. Five per cent (5%) of the total revenue generated by ambulance services rendered and 100% of the revenue generated by Advanced Life Support services rendered shall be deposited into said revolving fund. The proceeds of said Revolving Fund shall be expended by the Fire Department without further appropriation for the sole purpose of reimbursing the aforementioned companies for services rendered to the town; expenditures from the revolving fund may not exceed \$50,000 during the fiscal year without the approval of the Board of Selectmen and Finance Committee, or take any other action relative thereto. Submitted by the Board of Selectmen.

ARTICLE **CC#2** To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½ the Timber Rights revolving fund, such fund to be credited with the proceeds of sale by the Conservation Commission of the rights to harvest timber; funds in the account to be expended for the acquisition of land for conservation purposes and associated costs of such acquisitions, including but not limited to appraisals and payment of accrued taxes; such funds may also be expended for improvements on land already under the custody and control of the Conservation Commission; the Conservation Commission may expend such funds without further appropriation; expenditures from the revolving fund may not exceed \$5,000 during the fiscal year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. Submitted by the Board of Selectmen.

ARTICLE **CC#3** To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Custodial Special Detail Revolving Fund, for the purpose of paying special detail salaries for outside functions. Charges and money received from outside organizations in connection with this program are to be deposited in said revolving fund and expended by the Lunenburg School Committee without further appropriation for the sole purpose of paying personnel for hours worked. Said revolving account expenditures shall not exceed \$25,000 per year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. Submitted by the Board of Selectmen.

ARTICLE **CC#4** To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Greenthumb Revolving Fund, to support the Greenthumb Program at Lunenburg High School. Fees, charges, and money received from sales of items in connection with this program are to be deposited in this Revolving Fund Account and expended for the operation of this program by the Lunenburg School Committee without further appropriation; said revolving account expenditures shall not exceed \$10,000 per

year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. Submitted by the Board of Selectmen.

ARTICLE **CC#5** To see if the Town will re-authorize in accordance with MGL Chapter 44, §53E½, the Library Revolving Fund, to receive funds from library fines and penalties, donations and bequests up to \$12,000, said funds to be expended by the Trustees of Lunenburg Public Library for the purchase of library and information materials and document information and electronic data delivery charges expenditures from the revolving fund may not exceed \$12,000 during the fiscal year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. *submitted by the Board of Selectmen*.

ARTICLE **CC#6** To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Council on Aging\Montachusett Area Regional Transit (MART) Elderly Transportation Revolving Fund; the operation of said account shall be conducted by the Council on Aging, and the Senior Center Director; funds in this account shall be spent on the dispatch, operation, maintenance and record keeping of the MART vehicles for the elderly transportation program; all receipts resulting from MART reimbursements shall be credited to this account; said revolving account expenditures shall not exceed 38,000 per year without the prior approval of the Board of Selectmen and the Finance Committee; or take any other action relative thereto. Submitted by the Board of Selectmen.